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January 21, 1994

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JAN 21 1994

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

William F. Caton, Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, DC 20554

RM-8380

Dear Mr. Caton:

Enclosed please find an original and nine copies of Reply Comments of Cablevision Systems Corporation in In the Matter of Joint Petition for Rulemaking to Establish Rules for Subscriber Access to Cable Home Wiring for the Delivery of Competing and Complimentary Video Services, RM-8380, which were due to be filed on January 19. Because of the Commission's early closing on that day and its closing on January 20, we are filing these Reply Comments today.

Sincerely,



Lisa W. Schoenthaler

Enclosures

D24441.1

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**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.**

In the Matter of

Joint Petition for
Rulemaking to Establish Rules
for Subscriber Access
to Cable Home Wiring for the
Delivery of Competing and
Complimentary Video Services

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RM-8380

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OFFICE OF THE SECRETARY

**REPLY COMMENTS OF
CABLEVISION SYSTEMS CORPORATION**

Cablevision Systems Corporation ("Cablevision"), by its attorneys, hereby submits its reply comments in response to the above-captioned joint petition for rulemaking. Petitioners Media Access Project, United States Telephone Association, and Citizens for a Sound Economy Foundation ("Joint Petitioners") urge the Commission to initiate a rulemaking "to determine how cable subscribers may have access to cable home wiring for the delivery of competing and complementary services before termination of service."^{1/}

Cablevision, both directly and through subsidiaries and affiliated companies, is a leading provider of cable television service, with more than two million subscribers throughout the United States. Cablevision joins the National Cable Television Association, Inc. ("NCTA Comments"), Continental Cablevision, Inc. ("Continental Comments") and others urging the

^{1/} Joint Petition for Rulemaking at 3.

Commission to reject the Joint Petitioners' request.^{2/} As those commenters demonstrated, the issuance of pre-termination of service home wiring rules would exceed the scope of the 1992 Cable Act.^{3/} Even if the Commission had the authority to promulgate such rules, it should decline to do so, given the substantial theft-of-service, signal leakage, and technical problems mandated pre-termination access would create.^{4/} As the initial comments in this proceeding also demonstrate, the Commission should not in any case use the telephone inside wiring rules as a model for cable home wiring, given the differing rationales underlying each set of rules and the failure of the telephone rules to account for such significant factors as theft-of-service and signal leakage.^{5/}

^{2/}See Comments of Time Warner Entertainment Company, L.P. ("Time Warner Comments"), and the Joint Comments filed of Cablevision Industries Corp., MultiVision Cable TV Corp., and Providence Journal Company ("Cablevision Industries Comments").

^{3/} See, e.g. Continental Comments at 3-5, Time Warner Comments at 3-9, NCTA Comments at 3-5, Cablevision Industries Comments at 3-4. See also In the Matter of the Cable Television Consumer Protection and Competition Act of 1992, Cable Home Wiring, Report and Order, 8 FCC Rcd. 1435 (1993).

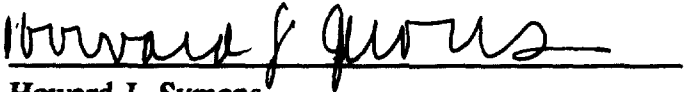
^{4/}See, e.g., Continental Comments at 6-8, NCTA Comments at 7-10, Time Warner Comments at 8-15, 23-25, Cablevision Industries Comments at 4-5.

^{5/}See NCTA Comments at 5-7, Continental Comments at 8-11, Time Warner Comments at 20-23. See also Comments of Cablevision Systems Corporation in MM Docket 92-260 (filed Dec. 1, 1992), at 6-8.

For the foregoing reasons, the Commission should deny the above-captioned joint petition for rulemaking.

Respectfully submitted

CABLEVISION SYSTEMS CORPORATION

By: 

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January 19, 1994
D24305.1

CERTIFICATE OF SERVICE

I, Lisa W. Schoenthaler, do hereby certify that a copy of the foregoing Reply Comments of Cablevision Systems Corporation was served on the following by either hand delivery or first class mail, postage pre-paid, this 19th day of January, 1994.


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